

# Rule of Law Practitioner's Guidebook

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## BACKGROUND

On 13 December 2006, the Center for Law and Military Operations (CLAMO) of the U.S. Army Judge Advocate General's Legal Center and School (TJAGLCS) sponsored a Rule of Law Working Group that was hosted by the US Joint Forces Command (USJFCOM) JAG. The workshop was held at the USJFCOM's Joint War Fighting Center (JWFC), in Suffolk, Virginia. The participants were from TJAGLCS; Security Sector and Rule of Law Reform Directorate (SSRLR) of the US Army War College Peacekeeping and Stability Operations Institute (PKSOI); US Agency for International Development (USAID); 18<sup>th</sup> Airborne Corps; USJFCOM Joint Innovation and Experimentation Directorate; J9; USJFCOM JAG; US Army Civil Affairs and Psychological Operations Command (USACAPOC); and NATO. The intent of the workshop was to assist CLAMO in the writing of a Rule of Law guide for the judge advocates in the field as they practice law during military operations in the currently developing realm of rule of law. An additional purpose of the guide will be to serve as an educational resource for judge advocates as they prepare to practice in the field. There is little information on this emerging discipline within military doctrine.

## DISCUSSION

Two recurring themes appear in after action reviews from judge advocates and paralegals recently returned from recent deployments to Iraq and Afghanistan. The first is the command naturally turns to the legal expert, the judge advocate, within the task force to plan, execute, coordinate, and evaluate rule of law efforts. The second is that this is a rapidly developing area and no comprehensive resource exists to assist practitioners in the fulfilling these tasks.

The guide that this working group is developing will be written for judge advocates and its scope and purpose is limited to providing the military attorney assistance in the accomplishment of the rule of law mission. While the guide is not intended to serve as US Army policy or doctrine for rule of law operations, it will be a tool available for judge advocates in the field. It may be helpful to others involved in rule of law missions but the intended audience is the judge advocate or paralegal involved in the rule of law mission during on going military operations.

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US JAG officers with Afghan military justice  
personnel in 2003

The guide will employ various approaches in order to be as useful as possible for the judge advocate operating in the field. It will contain an introduction to the rule of law and synopses of the key issues and overall themes on the current status and perspectives of the area within the U.S. military, government and academic circles. The judge advocate will be provided with "pilot's checklists" to be used in implementing rule of law programs. It will also use the traditional after action review format, which briefly summarizes an issue, describes how the issue was addressed and provides the outcome of the action to assist the user in planning and execution of rule of law missions.



The working group reviewed an outline previously composed of academics from the University of Virginia Law School, JAG school personnel, JAG personnel with recent operational experience and attorneys from the Office of the Judge Advocate General's international law division. It recommended improvements and discussed who and how the members from the Rule of Law community would contribute to the writing of the guide. The final document is expected to be issued in the summer of 2007.

## CONCLUSION

The area of rule of law is a developing field for the US military lawyer. There is a general consensus among those practicing operational law that rule of law missions will be reoccurring for JAGs for sometime to come in a variety of different circumstances, environments and locations. The guide is planned to address rule of law in a flexible way and not limit the guide to current situations or certain geographic areas. CLAMO's guide book will serve as one reference source for judge advocates to begin developing, planning and executing rule of law missions.

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<http://www.carlisle.army.mil/usacsl/IPapers.asp>.

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